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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,435	01/30/2004	Kevin Michael Goodwin	200208949-1	7222

22879 7590 12/22/2006
HEWLETT PACKARD COMPANY
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FORT COLLINS, CO 80527-2400

EXAMINER

LANE, JOHN A

ART UNIT PAPER NUMBER

2185

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/22/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/767,435	GOODWIN, KEVIN MICHAEL	
	Examiner	Art Unit	
	Jack A. Lane	2185	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office action is responsive to the application filed 01/30/2004. Claims 1-11 are presented for examination. A preliminary amendment has not been filed. No IDS documentation has been received as of the mail date of this Office action. Claim 3 of copending application 10/767,773 appears to claim an embodiment having features similar to the present embodiment defined in claim 1. That is, the main part of the present invention, identified below, and the related invention include “restricting access to a read-only type access” and “I/O blocking.” Applicant is reminded that a clear line of demarcation must be maintained between the claim sets.

2. The examiner requests, in response to this Office action, any documentation known to qualify as prior art under 35 U.S.C. sections 102 or 103 with respect to the invention as defined by the independent claims. That is, any prior art (including any documentation used to develop the disclosed/claimed subject matter, background art and any products for sale) similar to the claimed invention that could reasonably be used in a 102 or 103 rejection. Furthermore, if applicant has knowledge of/been made aware of an assertion (perhaps by another examiner in a rejection or in a court proceeding) that a present claim limitation(s) corresponds to (or exists in) a prior art device then such assertion must be provided to the examiner.

The examiner is specifically looking for at least the following independent claim limitations (claims 1, 6 and 11) that appear to represent the main invention(s)/embodiment(s):

Restricting access...by...putting...volume into a read-only-state...restricted to read-only type access.

Restricting access...by blocking I/O to the...volume

This request does not require a search. Support for this request is derived from 37 CFR 1.56 (applicant's duty to disclose information exists with respect to each pending claim) and 1.105, however, it is not intended to interfere with or go beyond that required under 37 CFR 1.56 and 1.105.

The request may be fulfilled by asking the attorney(s) of record handling prosecution and the inventor(s)/assignee for references qualifying as prior art. A simple statement that the query has been made and no prior art found is sufficient to fulfill the request. Otherwise, the fee and certification requirements of 37 CFR section 1.97 are waived for those documents submitted in reply to this request. This waiver extends only to those documents within the scope of this request that are included in the applicant's first complete communication responding to this requirement. Any supplemental replies subsequent to the first communication responding to this request and any information disclosures beyond the scope of this request are subject to the fee and certification requirements of 37 CFR section 1.97.

In the event documentation (e.g. newly submitted/previously submitted on an IDS, incorporated by reference or "common knowledge" generally found in the background section but not a publication) is determined to qualify as prior art, a discussion of relevant passages, figs. etc. with respect to the claims must be provided. That is, for at least each **independent** claim limitation identified in the list above identify a corresponding prior art element by page, line and/or fig. Since applicant is most knowledgeable of the present invention and submitted art, a discussion of the reference(s) with respect to the instant claims is essential.

Art Unit: 2185

The examiner also requests, in response to this Office action, a showing of support for the following: Correlation and identification of what structure, material, or acts set forth in the specification would be capable of carrying out a function recited in the means plus function limitation of claim 11; All claim language that does not have antecedent basis in the descriptive portion of the specification. That is, if an exact claim limitation (language such as “the”, “said”, “a”, “in”, etc. need not be shown) cannot be found in the descriptive portion of the specification (e.g. by text searching), such claim limitation(s) must be identified and the specification amended to include such claim language without adding new matter. Applicant must specifically state, in response to this request, that all claim limitations exist in the descriptive portion of the specification, if such is the case; Claim language added to any present claims on amendment and any new claims. Indicate support for claim language/limitation(s) (including structural and functional language linking claim limitations, e.g. coupled to, responsive to) by specifically identifying a word or phrase corresponding to the claim language/limitation. Identify the word or phrase and the page(s) and line no(s). in the specification and/or drawings.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C., 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Shaath et al. (Pat. No. 2002/0078295).

The reference appears to teach all the limitations of independent claims 1, 6 and 11 including the main part of the invention/embodiment discussed above in section 2. The claimed “volume being on a storage-device...an input/output(I/O) initiator...stack of device objects representing the volume” corresponds to the description in sections [0044] and [0047]. The claimed “restricting access to the first volume by...putting the first volume into a read-only state in which access is restricted to read-only type access” corresponds to the read-only access discussed in section [0067]. The claimed “blocking I/O to the first volume” corresponds to blocking some requests [0067].

The examiner believes all dependent claim features not specifically discussed above are expressly or inherently taught by Shaath. The remaining dependent claim features, while part of the invention, do not appear essential to the main invention found in the independent claims. Thus, a detailed discussion of the dependent claim feature(s) is not warranted at this time. Support for this line of reasoning is derived from 37 C.F.R. 1.105. 37 C.F.R. 1.105 permitting “stipulations as to facts” or “whether a dependent claim element is known in the prior art based on the examiner having a reasonable basis for believing so.”

In the event applicant disagrees with the characterization of certain dependent claim limitations as being “expressly or inherently” taught by the reference, applicant must specify which claim limitations define over the **prior art of record** and indicate the difference between the claim limitations and the art of record.

Any response to this action should be mailed to:

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

or faxed to:

(571) 273-8300, (for Official communications intended for entry)

Or:

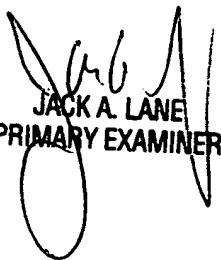
(571) 273-4208, (for Non-Official or draft communications, please label
"Non-Official" or "DRAFT")

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack A. Lane whose telephone number is 571 272-4208. The examiner can normally be reached on Mon-Fri from 7:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sanjiv Shah can be reached on 571 272-4098.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571 272-2100.


JACK A. LANE
PRIMARY EXAMINER